IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.17650 of 1997

Dated: 29-01-2007

Between:

1. D. Venkatraju, s/o late Chengalraju,
   aged about 60 years,
   r/o S.V. Puram village,
   Vadamalpet Mandal,
   Chittoor District and 2 others.

... Petitioners

and

1. The District Collector, Chittoor and 2 others.

... Respondents

ORDER:

At a stage when Notification under Section 4(1) of the Land Acquisition Act, 1894 (for short, 'the Act') was issued proposing to acquire Ac.0-06 cents in Sy. No.262/3 belongs to first petitioner and Ac.0-21 cents in Sy.No.263/1 belong to petitioners 2 and 3 situated in S.V. Puram Village, Vadamalpet Mandal, Chittoor District for providing pathway to burial ground from Vadamala Arundatiwada village, they approached this Court and filed the writ petition on various grounds.

2. One of the grounds raised by petitioners is that the

enquiry provided for under Section 5-A of the Act was dispensed with, invoking the provisions of Section 17 of the Act. According to petitioners, it is not of that urgency to dispense with the enquiry provided under Section 5 of the Act. This Court, on 31-07-1997 while issuing *Rule nisi*, in WPMP No.21415 of 1997, granted interim stay of all further proceedings including dispossessing the petitioners from their lands in an extent of Ac.0-06 cents and Ac.0-21 cents respectively in Sy.No.262/3 and Sy.No.261/1 of S.V. Puram village, Vadamalpet Mandal, Chittoor District.

3. Having heard both the counsel, this Court is of the view that there is no urgency involved in this matter, particularly in view of the long lapse of ten years. Further, all the grounds raised by petitioners in this writ petition can as well be raised before the Land Acquisition Officer, provided if he holds an enquiry under Section 5 of the Act.

4. Accordingly, the writ petition is disposed of directing the Land Acquisition Officer to issue a notice as provided under Section 5-A of the Act, to hold an enquiry and then proceed further in accordance with law. No costs.

JUSTICE GOPALAKRISHNA TAMADA

Dt.29-01-2007
GLV